



**TOWN OF GROTON**  
Conservation Commission  
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**Conservation Commission Meeting**

*Tuesday, December 12, 2023 at 6:30 PM*

*Town Hall: Second Floor Meeting Room, 173 Main Street Groton, MA*

OPTION TO JOIN REMOTELY

**Present:** Eileen McHugh, Chair; Vice Chair; Olin Lathrop, Bruce Easom, Peter Morrison, John Smigelski, Clerk

**Absent:** Larry Hurley, Alison Hamilton

**Others Present:** Charlotte Steeves, Conservation Administrator

**E. McHugh called the meeting to order at 6:30PM**

**1. APPOINTMENTS AND HEARINGS**

None

**2. GENERAL BUSINESS**

**Updates from Administrator**

Marsh-Lewis Survey Proposals

C. Steeves received the following three estimates from potential surveying companies.

David E. Ross Associates- \$16,300+delivery fees

Dillis & Roy Civil Design Group- \$17,400 (granite markers \$500 each)

GPR- \$16,500+reimbursable expenses

The Commission requested that the Conservation Administrator contact all three companies to determine a lump sum including any additional fees.

Site Visit Shepley Hill Development

C. Steeves presented a concise overview of the development. She said that two duplexes have been completed and the construction of the third duplex has commenced at the top of the hill. The site features a significant slope, and the use of grass for stabilization has proven to be unsuccessful, the developer plans to install rip rap. The other siltation controls observed were all in good condition and remained intact. Multiple runoff issues were noted, particularly related to the installation of an underground line from

the road to the dwelling at the base of the hill. C. Steeves stated that runoff and silt were being captured in the detention basins. The Earth Removal Stormwater Advisory Committee is actively aware of the issues and is committed to appropriately addressing them.

P. Morrison asked if the developer is utilizing large rocks to prevent further erosion. C. Steeves said she was uncertain of the specific rip rap that would be utilized.

B. Easom inquired about the possibility of the erosion controls failing and permitting silt to enter the resource areas. C. Steeves said based on her observations the detention basins were functioning correctly and successfully collecting runoff water as intended. She assured the Commission that she would conduct a revisit to the site and confirm that the resource areas had not been adversely impacted.

O. Lathrop requested that a site walk be scheduled.

E. McHugh questioned how a 2:1 slope was approved. It was confirmed that the slope was out of the Commission's jurisdiction and at the time the engineer had said that they were experienced in this type of topography and assured utilizing a steep slope erosion control mat would be successful.

E. McHugh requested that the site walk be accompanied by the Earth Removal Stormwater Advisory Committee and a representative from the developer.

P. Morrison said if siltation is identified in the wetland, the Conservation Commission possesses the authority to address the source of the issue, even if it extends beyond their jurisdiction.

#### Groton School Pond RDA Withdrawal

C. Steeves provided an update to the Commission that Attorney Bob Collins withdrew the request for Determination of Applicability (RDA). The pond would continue to be monitored and the client believes that the two existing cart paths are sufficient for accessing the pond.

Peter Cunningham, an abutter, raised concerns about the rising water levels and emphasized the impact on his neighborhood and the infrastructures belonging to both the Town and the Department of Environmental Protection (DEP). He questioned whether the Commission has the authority to compel the applicant to address and resolve the issue. Despite the uncertainty, the Commission decided to take proactive measures by contacting the Select Board to explore potential options provided by the Town Council.

Upon a motion by B. Easom, seconded by J. Smigelski, it was: Voted  
to authorize the Conservation Administrator to contact the Town Manager to  
request the assistance of Town Council to inform the Conservation  
Commission with their options in regards to the Groton School Pond.

J. Smigelski questioned whether the proposed resolution would be identical if the situation involved an individual homeowner. P. Cunningham said that he would anticipate some form of action to be taken regardless of whether it involves an individual homeowner or not.

**The motion failed. (Yes: EM, BE/NO: OL, PM, JS) 2-3**

O. Lathrop inquired about the unpermitted work at the commencement of the existing cart path. E. McHugh said that B. Collins would be submitting an RDA for the work that had been conducted without permission.

### **Land Management**

P. Morrison said that the Conservation Commission has acquired the Palmer property located in West Groton. He said that the family is requesting that the parcel be named the Jack and Mary Allen Conservation Area.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:  
to name the Palmer parcel the Jack and Mary Allen Conservation Area.  
**motion passed unanimously. 5-0**

Voted  
**The**

O. Lathrop said that he would reach out to Mark Gerath of the Groton Conservation Trust to ask if they would be interested in becoming the holders of the conservation restriction.

#### Easement at Bennett Black's Woodlot

E. McHugh informed the Commission that Susan Black had responded to the request for the deeded easement; however, the initial response was inconclusive prompting a follow up- email. S. Black had expressed reservations about the land's use without an official document and raised concerns about potential debris and trash being left behind by the public. She also, noted a lack of collaborative discussion among the Commissioners and Fish and Wildlife. In response, E. McHugh and C. Steeves reassured S. Black that her concerns would be thoroughly addressed. O. Lathrop proposed that the Black's and a representative from the Trails Committee participate in a public hearing. E. McHugh suggested if the Blacks are unwilling to provide a legal binding document that there are two alternative options. Option B. would be to build a bridge on the Conservation land or option Ba. Continue to utilize the land without a deeded easement.

O. Lathrop informed the Commission that the conservation sign at the Meadowview Conservation Area needs to be updated and he has initiated the process of exploring companies for acquiring sign material. He has identified a company that has representatives in Massachusetts and would be contacting them for a quote prior to the next scheduled meeting. The material comes in 4'x 8' sheets and can be cut into 16 strips. J. Smigelski offered assistance in picking up the materials to eliminate any delivery fees. P. Morrison commented on the durability of the sign material and emphasized once replaced, the signs would be permanent and not require future maintenance.

O. Lathrop said that he conversed with the Groton Conservation Trust in regards to becoming the holder of the conservation restriction for the Marsh-Lewis Grove and was told that they are forming a sub-committee to further study the parcel. He said that he would also ask the Trust about the Jack and Mary Allen Conservation Area.

### Committee Updates

#### Florence Roche Site Visit

C. Steeves said that she was accompanied by P. Morrison and B. Easom and had the opportunity to walk the entire siltation barrier. The environmental analyst was present and identified several items that needed attention. C. Steeves informed the Commission of their concerns of stockpiled materials and said according to the order of conditions; any stockpiled materials exceeding 72 hours must obtain an erosion control installed at the base. The pile that was been observed was removed. P. Morrison said he observed a few holes created by chipmunks in the siltation fence and was assured they would be addressed. The Commissioners agreed that the site demonstrated adequate performance and should be revisited in 6 weeks.

B. Easom said that CPC applications are due January 11, 2023 and that he would be meeting with C. Steeves to draft the Conservation Commission's application.

### General Discussions/Announcements

E. McHugh announced that there would be no site walk scheduled for December 23, 2023 and the meeting on December 26, 2023 would be canceled. The next scheduled meeting for the Conservation Commission is for January 9, 2023. B. Easom recommended an immediate site walk to address the issues at the Shepley Hill development. C. Steeves tentatively scheduled a site walk for Wednesday, December 20th at 10 am. P. Morrison, B. Easom, and O. Lathrop expressed their availability to attend the site walk.

#### Letter of Support for the Affordable Housing Trust

Becky Pine, Charles Vander Linden, and Rick Perini represented the Affordable Housing Trust, seeking a letter of support from the Commission to secure \$400,000 in CPC funding. The awarded funding would enable the Trust to respond promptly to potential real estate opportunities. B. Easom said that he was opposed to the Trust purchasing open space when there are an adequate number of houses available. B. Pine explained that she had conversed with the Commission in regards to working collaboratively in acquiring open space property and utilizing a portion of the land that may lack conservation value. O. Lathrop expressed that the request was irrelevant to the Conservation Commission. P. Morrison and E. McHugh were supportive of the Trust establishing a reserve in funds.

Upon a motion by P. Morrison, seconded by J. Smigelski it was: Voted  
to write a letter of support for the Affordable Housing Trust's CPC application  
requesting \$400,000.

P. Morrison inquired about the involvement of the Affordable Housing Trust in the two proposed 40B developments. B. Pine clarified that while the Trust is not directly involved, they were supportive of the developments. C. Vander Linden emphasized the need to establish a reserve fund to be able to make quick real estate purchases. He said that Trust is able to operate without requiring Town approval, this approach allows for flexibility. B. Pine mentioned a missed opportunity to acquire a small apartment building due to insufficient funds and the homeowner wanting to make a prompt transaction. P. Morrison asked the Trust what their current balance is. The Trust reported approximately \$350,000. B. Easom said that the Community Preservation Coalition Steering met and had discussions revolving around using CPA funds for affordable housing and whether a town meeting vote was necessary. Typically, towns do not purchase open space to build housing. Instead, a preferred method involves collaboration between lawyers, the Town, and developers to ensure financial viability. B. Easom said that the Trust has not tried this approach. B. Pine stated that the Trust has not acquired any open space and is actively evaluating available properties.

**The motion failed. (Yes: EM, PM/ NO: BE, OL) JS- Abstain 2-1-2**

#### Letter of Support for the Trails Committee

C. Steeves informed the Commission that Paul Funch from the Trails Committee requested a letter of support to accompany their CPC application. The Trails Committee is seeking funding for the purchase of tools and equipment.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was: Voted  
that the Conservation Commission write a letter of support for the Trails  
Committee. **The motion**  
**passed unanimously. 5-0**

#### Approve Meeting Minutes

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:  
Voted to approve the meeting minutes for November 14, 2023 as amended.

**The motion passed unanimously. J. Smigelski- Abstained 4-1-0**

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:  
Voted to approve the meeting minutes for November 28, 2023 as amended.

**The motion passed unanimously. J. Smigelski- Abstained 4-1-0**

#### Approve Invoices

Upon a motion by J. Smigelski, seconded by P. Morrison, it was: Voted  
to approve and pay the invoice from Kristine Fox in the amount of  
\$195.00.

**The motion passed unanimously. 5-0**

Upon a motion by J. Smigelski, seconded by P. Morrison, it was: Voted  
to approve and pay the invoice from the Lowell Publishing Group in the amount of

\$205.38.

**The motion passed unanimously. 5-0**

Upon a motion by J. Smigelski, seconded by P. Morrison, it was:

Voted to approve and pay the invoice from Mirick O'Connell in the amount of \$2,768.

**The motion passed unanimously. 5-0**

Upon a motion by J. Smigelski, seconded by B. Easom, it was:

Voted

to approve and pay the invoice from Bay State Forestry in the amount of

\$2,400.

**The motion passed unanimously. 5-0**

**3. Open Session for topics not reasonably anticipated 48 hours in advance of meeting\***

**4. Executive Session pursuant to MGL Ch. 30A, Sec. 21(6): \* "To consider the purchase, exchange, lease, or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body."**

Eileen McHugh, Chair; declared that there was business that required the Commission to move to executive session.

**5. Adjournment**

**7:58 PM**

Upon a motion by P. Morrison, seconded by B. Easom, it was:

Voted

to move to Executive Session and not to return to the open session for the purpose of considering the purchase, exchange, lease, or value of real estate, as the chair had declared that an open meeting may have a detrimental effect on the negotiating position of the Commission.

**The motion passed by a roll call vote. (Yes: OL, BE, PM, JS, EM) 5-0**

Approved: January 9<sup>th</sup>, 2024

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